FILED
APR 25 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8352

UNITED STATES OF AMERICA, Plaintiff, v. Sergio Roberto CHAVEZ-Yanez, Defendant.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

On or about April 24, 2008, within the Southern District of California, defendant Sergio Roberto CHAVEZ-Yanez did knowingly and intentionally import approximately 1.84 kilograms (4.05 pounds) of heroin, a schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Chad N. Worgen
Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 25th DAY OF APRIL 2008.

Peter C. Lewis
U.S. Magistrate Judge

UNITED STATES OF AMERICA
v.
Sergio Roberto CHAVEZ-Yanez

STATEMENT OF FACTS

This statement of facts is based on the reports, documents, and notes furnished to Immigration and Customs Enforcement Special Agent Chad N. Worgen.

On April 24, 2008, at approximately 2115 hours, Sergio Roberto CHAVEZ-Yanez entered the United States from Mexico at the Calexico, California East Port of Entry vehicle primary lane # 3. CHAVEZ was the driver, sole occupant, and registered owner of a 1993 Nissan Sentra with California license plate number 5PKY583.

Customs and Border Protection Officer (CBPO) S. Baca was assigned primary inspection duties on lane # 3 when CHAVEZ applied for entry. CBPO Baca received a negative oral Customs declaration from CHAVEZ. CHAVEZ stated to CBPO Baca that he was the registered owner of the vehicle, and he purchased the vehicle approximately six months prior.

During questioning, CBPO Baca observed CHAVEZ was avoiding eye contact and his hands were shaking while presenting documents. During a cursory inspection of the vehicle, CBPO Baca observed a non-factory compartment located underneath the rear seats above the vehicle gasoline tank. CBPO Baca escorted both CHAVEZ and the vehicle to the secondary lot, and turned CHAVEZ and the vehicle over to CBPO M. Almaghraby for an intensive inspection.

CBPO Almaghraby approached CHAVEZ and received a negative oral Customs declaration. CBPO Almaghraby requested Canine Enforcement Officer (CEO) E.

Leon to screen the vehicle with his Narcotics Human Detector Dog (NHDD). CEO Leon informed CBPO Almaghraby that his NHDD had alerted to the rear seat of the vehicle.

Upon further inspection of the rear seat area of the vehicle, CBPO Almaghraby discovered a specially built non-factory compartment located underneath the rear seat, above the gasoline tank. CBPO Almaghraby probed a hole located within the compartment and discovered a package. CBPO Almaghraby probed a package, and it produced a brownish substance that field-tested positive for heroin. A total of 3 packages of heroin were removed from the compartment. The total weight of the packages was 1.84 kilograms (4.05 pounds).

CHAVEZ was arrested for violation of Title 21 United States Code 952 and 960, Importation of a Controlled Substance. CHAVEZ was read his Miranda rights, which he acknowledged and waived. CHAVEZ stated he had owned the vehicle for two and a half to three years. Approximately four months ago, he discovered a non-factory compartment located underneath the rear seat of his vehicle. CHAVEZ stated that he revealed this information to his high school friends in Mexicali.

On the date of arrest, CHAVEZ stated he knew that someone in Mexicali had purposely placed something within the compartment, but he did not know specifically what was hidden inside the compartment. An inspection of the compartment revealed it was too small to hold an adult or a child.

CHAVEZ stated that he was to be paid $1,000.00 to successfully cross the vehicle. CHAVEZ stated this is the first time that he had ever attempted to smuggle narcotics. CHAVEZ was processed and booked into the Imperial County Jail to await his appearance before the United States Magistrate Judge.